

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER GRAY,

Petitioner,

- against -

JAIME LAMANNA,

Respondent.

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ROSLYNN R. MAUSKOPF, United States District Judge.

**MEMORANDUM AND ORDER**

17-CV-6324 (RRM)

Petitioner Christopher Gray’s applications for appointment of counsel are denied. (Doc. Nos. 3, 14.) Though this Court “may request an attorney to represent any person unable to afford counsel” pursuant to 28 U.S.C. § 1915(e)(1), “whether the appointment of counsel is necessary” is within the Court’s discretion. *In re Martin-Trigona*, 737 F.2d 1254, 1260 (2d Cir. 1984). This determination turns on whether the person is indigent, is unable to obtain counsel, and has a legal position that “seems likely to be of substance.” *Hodge v. Police Officers*, 802 F.2d 58, 61 (2d Cir. 1986). For the Court to appoint petitioner counsel in his civil action, he must first make at least “a threshold showing of some likelihood of merit.” *Johnston v. Maha*, 606 F.3d 39, 41 (2d Cir. 2010).

Gray has failed to demonstrate sufficient merit for the appointment of counsel at this time. Counsel will be appointed for Gray only if the Court finds, after further review of the petition, that appointment would be warranted, or upon further application by Gray.

## CONCLUSION

Gray's requests for appointment of counsel are denied without prejudice. The Clerk of Court is respectfully ordered to mail a copy of this Memorandum and Order to Gray at the address reflected on the docket.

SO ORDERED.

Dated: Brooklyn, New York  
September 26, 2018

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge